

**CITY OF NEWPORT BEACH
PLANNING COMMISSION AGENDA
CITY COUNCIL CHAMBERS – 100 CIVIC CENTER DRIVE**

**THURSDAY, OCTOBER 3, 2013
REGULAR MEETING – 6:30 p.m.**

**BRADLEY HILLGREN
Chair**

**LARRY TUCKER
Vice Chair**

**KORY KRAMER
Secretary**

FRED AMERI

TIM BROWN

RAYMOND LAWLER

JAY MYERS

Planning Commissioners are citizens of Newport Beach who volunteer to serve on the Planning Commission. They were appointed by the City Council by majority vote for 4-year terms. At the table in front are City staff members who are here to advise the Commission during the meeting. They are:

KIMBERLY BRANDT, Community Development Director

**BRENDA WISNESKI, Deputy Community
Development Director**

LEONIE MULVIHILL, Assistant City Attorney

TONY BRINE, City Traffic Engineer

MARLENE BURNS, Administrative Assistant

NOTICE TO THE PUBLIC

Regular meetings of the Planning Commission are held on the Thursdays preceding second and fourth Tuesdays of each month at 6:30 p.m. The agendas, minutes, and staff reports are available on the City's web site at: <http://www.newportbeachca.gov> and for public inspection in the Community Development Department, Planning Division located at 100 Civic Center Drive, during normal business hours. If you have any questions or require copies of any of the staff reports or other documentation, please contact the Community Development Department, Planning Division staff at (949) 644-3200.

This Commission is subject to the Ralph M. Brown Act. Among other things, the Brown Act requires that the Commission's agenda be posted at least 72 hours in advance of each meeting and that the public be allowed to comment on agenda items before the Commission and items not on the agenda but are within the subject matter jurisdiction of the Commission. The Commission may limit public comments to a reasonable amount of time, generally three (3) minutes per person. All testimony given before the Planning Commission is recorded.

It is the intention of the City of Newport Beach to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant of this meeting, you will need special assistance beyond what is normally provided, the City of Newport Beach will attempt to accommodate you in every reasonable manner. Please contact Leilani Brown, City Clerk, at least 72 hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible (949-644-3005 or lbrown@newportbeachca.gov).

APPEAL PERIOD: Use Permit, Variance, Site Plan Review, and Modification Permit applications do not become effective until 14 days following the date of approval, during which time an appeal may be filed with the City Clerk in accordance with the provisions of the Newport Beach Municipal Code. Tentative Tract Map, Tentative Parcel Map, Lot Merger, and Lot Line Adjustment applications do not become effective until 10 days following the date of approval, during which time an appeal may be filed with the City Clerk in accordance with the provisions of the Newport Beach Municipal Code. General Plan and Zoning Amendments are automatically forwarded to the City Council for final action.

**NEWPORT BEACH PLANNING COMMISSION AGENDA
CITY COUNCIL CHAMBERS – 100 CIVIC CENTER DRIVE
THURSDAY, OCTOBER 3, 2013
REGULAR MEETING – 6:30 p.m.**

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

IV. PUBLIC COMMENTS

Public comments are invited on non-agenda items generally considered to be within the subject matter jurisdiction of the Planning Commission. Speakers must limit comments to three (3) minutes. Before speaking, please state your name for the record and print your name on the blue forms provided at the podium.

V. REQUEST FOR CONTINUANCES

VI. CONSENT ITEMS

ITEM NO. 1 MINUTES OF SEPTEMBER 19, 2013

Recommended Action: Approve and file

VII. PUBLIC HEARING ITEMS

Speakers must limit comments to three (3) minutes on all items. Before speaking, please state your name for the record and print your name on the blue forms provided at the podium.

If in the future, you wish to challenge in court any of the matters on this agenda for which a public hearing is to be conducted, you may be limited to raising only those issues, which you (or someone else) raised orally at the public hearing or in written correspondence received by the City at or before the hearing.

ITEM NO. 2 SANTA ANA HEIGHTS CODE AMENDMENT (PA2013-114)

Site Location: Residential Equestrian (REQ) Zoning District within Santa Ana Heights

Summary:

An amendment to Chapter 20.90 (Santa Ana Heights Specific Plan) of the Zoning Code (Title 20) removing the requirement for an annual use permit to keep three to six horses on a property for noncommercial purposes within the Residential Equestrian (REQ) District. Property maintenance regulations remain in full force and effect to ensure properties with horses remain compatible with surrounding land uses.

CEQA Compliance:

This action is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

Recommended Action:

1. Conduct public hearing; and
2. Adopt Resolution No. _____ recommending City Council approval of Code Amendment No. CA2013-005.

VIII. STAFF AND COMMISSIONER ITEMS

ITEM NO. 3 MOTION FOR RECONSIDERATION

ITEM NO. 4 COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

Committee Updates:

1. Land Use Element Amendment Advisory Committee
2. General Plan/Local Coastal Program Implementation Committee

**ITEM NO. 5 ANNOUNCEMENTS ON MATTERS THAT THE PLANNING COMMISSION MEMBERS
WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION, OR
REPORT**

ITEM NO. 6 REQUESTS FOR EXCUSED ABSENCES

IX. ADJOURNMENT

October 3, 2013 Planning Commission Agenda Comments

Comments by: Jim Mosher (jimmosher@yahoo.com), 2210 Private Road, Newport Beach 92660 (949-548-6229). ~~strikeout~~ underline format is used to suggest changes to the passages quoted in *italics*

Item No. 1 Minutes of September 19, 2013

1. Page 1, under "IV. Public Comments": "*Vice Chair Tucker invited those interested in addressing the Planning Commission on non-agenda items to do so at this time.*"
2. Page 2, last paragraph:
 - a. "*He pointed out that the draft ordinance in the staff report ...*"
 - b. "*He provided an overview of the changes including the new definition of ~~new~~ five (5) antenna classes, ...*"
3. Page 4:
 - a. Line 1: "*Mr. Rogers reported that sometimes, most efficient and ~~less~~ least obtrusive technology can be two different pieces of technology ...*"
 - b. Paragraph 3: "*Vice Chair Tucker suggested adding, 'shall utilize to the maximum extent practical, the most efficient and ~~less~~ least obtrusive technology.'*"
4. Page 6, paragraph 6 from end: "*... he felt that flexibility is provided in the draft ~~the~~ ordinance.*"
5. Page 8:
 - a. Paragraph 7: "*Regarding 20.49.100, Modifications to Existing Telecommunications Facilities, Mr. O'Boyle noted issuance ...*"
 - b. Paragraph 9: "*He addressed FCC ~~categorical exempted~~ 'categorically excluded' rulings ...*" (?? see letter from Mr. Brown on handwritten page 63 of staff report)
6. Page 10:
 - a. Paragraph 1, line 2 from end: "*... she reported that the Committee will consider whether additional trips should be generated to facilitate new ~~project~~ projects as well as ...*" or "*to facilitate new ~~project~~ projects*"
 - b. Paragraph 3: "*Vice Chair Tucker reported that the development was done on a ~~footprint-lot basis~~ footprint-basis lot noting that the footprint of each building is a parcel and that all the common areas are a separate parcel.*"

Item No. 2 Santa Ana Heights Code Amendment (PA2013-114)

Draft Resolution:

1. Section 1.3: "... authorized the Mayor to send correspondence to the County and County Development Agency requesting ..." [the term "Agency" is explained in the staff report, but the explanation is not repeated in the resolution as drafted]
2. Section 1.5: "The Planning Commission conducted a public hearing on October 3, 2013, in the City Hall Council Chambers, ~~3300 Newport Boulevard~~ 100 Civic Center Drive, Newport Beach, California."

CITY OF NEWPORT BEACH PLANNING COMMISSION MINUTES
Council Chambers – 100 Civic Center Drive
Thursday, September 19, 2013
REGULAR MEETING
6:30 p.m.

I. CALL TO ORDER - The meeting was called to order at 6:30 p.m.

II. PLEDGE OF ALLEGIANCE – Vice Chair Tucker

III. ROLL CALL

PRESENT: Brown, Kramer, Lawler, and Tucker

ABSENT: Hillgren (Excused), Ameri (arrived at 6:32 p.m.), and
Myers (arrived at 6:31 p.m.)

Staff Present: Brenda Wisneski, Deputy Community Development Director; Leonie Mulvihill, Assistant City Attorney; Marlene Burns, Administrative Assistant; Gregg Ramirez, Senior Planner; Jim Campbell, Principal Planner; and Melinda Whelan, Assistant Planner

IV. PUBLIC COMMENTS

Vice Chair Tucker invited those interested in addressing the Planning Commission to do so at this time. There being no response, Vice Chair Tucker closed the Public Comments portion of the meeting.

V. REQUEST FOR CONTINUANCES - None

VI. CONSENT ITEMS

ITEM NO. 1 MINUTES OF SEPTEMBER 5, 2013

Recommended Action: Approve and file

Vice Chair Tucker noted written changes to the minutes as submitted by him and a member of the public, Mr. Jim Mosher.

Commissioners Myers and Ameri arrived at this juncture.

Secretary Kramer proposed additional changes to pages 10 and 11 of the minutes and read the changes into the record.

Motion made by Vice Chair Tucker and seconded by Commissioner Lawler and carried (6 – 0), to approve the Minutes of the Planning Commission meeting of September 5, 2013, as corrected, and file.

AYES: Ameri, Brown, Kramer, Lawler, Myers and Tucker

NOES: None

ABSENT: Hillgren

VII. PUBLIC HEARING ITEMS

ITEM NO. 2 216 CRYSTAL VARIANCE (PA2013-118)

Site Location: 216 Crystal Avenue

Vice Chair Tucker reported that he owns property within five-hundred feet of the subject property, recused himself from hearing the matter and departed the Chambers.

Secretary Kramer called for a report from staff.

Assistant Planner Melinda Whelan provided a PowerPoint presentation addressing location, description of the project, variance request to exceed the floor area and encroachment into the side setback, existing parking and conditions, setbacks, comparison to typical lot in the block, floor/area ratio, access and circulation, findings and recommendations.

Commissioner Ameri wondered if the additional square footage requested is typical within the area and Ms. Whelan reported that the project is a typical addition in the area and that variances have allowed for larger additions or complete teardowns for greater FARs.

Secretary Kramer opened the public hearing.

Art Kent of Kent Architects, offered to respond to questions from the Commission.

Jim Mosher pointed out the hardship that the lot suffers because of the unusual configuration of the lot and addressed the rear setback. He added that the front yard is unusually large but that the back yard is smaller than normal.

Secretary Kramer closed the public hearing.

Secretary Kramer commented on previous approvals of similar variances and agreed with staff's findings.

Commissioner Myers addressed typical lot setbacks in the neighborhood noting that they are three feet, not four feet and that the lot suffers deficiencies given its unusual configuration.

Ms. Whelan confirmed that typical side setbacks in the neighborhood are three feet.

Commissioner Brown stated support for the project and added that it appears the façade of the building will be greatly improved.

Motion made by Secretary Kramer, seconded by Commissioner Myers and carried (5 – 1), to adopt a resolution approving Variance No. VA2013-005.

AYES:	Ameri, Brown, Kramer, Lawler, and Myers
NOES:	None
RECUSED:	Tucker
ABSENT:	Hillgren

Vice Chair Tucker returned to the Chambers and took his place on the dais.

VIII. STUDY SESSION

ITEM NO. 3 WIRELESS TELECOMMUNICATIONS FACILITIES ORDINANCE (PA2012-057) **Site Location:** City-wide

Principal Planner Campbell provided a PowerPoint presentation addressing changes in the industry and laws and the need to change the ordinance accordingly. Additionally, he noted the intent to simplify the process and balance the needs of the community by providing for increasing demands for wireless networks while mitigating their visual impacts. He presented background and previous hearings by the Planning Commission. He pointed out that draft ordinance in the staff report is the same that was issued in July of 2013, and reported that the document is a work in progress. He provided an overview of the changes including the definition of new five (5) antenna classes, the review authority, the use of an administrative process for Class 1, and review of Class 2 facilities by the Planning Commission, the existing ordinance, next steps, and the need for additional revisions to the ordinance.

Vice Chair Tucker commented on the process at this time including receiving comments from telecommunications representatives. He indicated his intent to discuss each section and that he had provided his comments that were distributed this evening.

Vice Chair Tucker invited those interested in addressing the Commission to do so at this time.

Paul O'Boyle, Crown Castle, commented on key issues including the prohibition in residential zones.

Jim Mosher commented on the complex process of drafting laws and expressed concern that a lot of input has been received from the industry, but very little from residents. He reported that the current ordinance was produced by a Media and Communications Committee and felt that the Planning Commission would be well-served in appointing a subcommittee or taskforce to review the ordinance, in depth, with more resident input. He stated that the existing ordinance protects private views, addressed case law in terms of control of telecommunications facilities and noted that the proposed ordinance is silent relative to whether a facility is necessary or not. Additionally, it is silent regarding what the applicant is supposed to submit as well as public notice versus zoning clearance and opportunities to appeal.

Discussion followed regarding the typical number of applications received yearly, protecting private views, capacity and infrastructure, the concept of demonstrating that a proposed facility would be "necessary to fill coverage," and replacing old equipment.

Assistant City Attorney Leonie Mulvihill commented on the term, "necessary to fill coverage" noting that the City exercises its police power to impose applicable local regulations and that in adopting the Telecommunications Act, the Federal Government states that while it recognizes the power of the City to regulate local zoning and design in development, it would be unlawful for a city to exercise that power where it would preclude the provision for communication. She reported that there is quite a market for going above-and-beyond what is necessary with new requirements in telecommunications such as storage and data.

Discussion followed regarding the level of notice for zoning clearance, which is proposed for facilities that are not visible, and Mr. Campbell reported there are no noticing requirements for zoning clearance. He added that facilities requiring a use permit would be subject to public notice and a public hearing.

Mr. Campbell stated that he not familiar with a provision in the current ordinance regarding protection of private views.

Ms. Mulvihill noted that the City, generally, does not protect private views and that there are parts of the Zoning Code that address scenic and coastal view, but those are not private views. In the current ordinance there is language indicating a desire to have a facility blend in and be architecturally integrated, which is carried onto the proposed ordinance.

Dean Brown, representing the California Wireless Association, introduced himself and other industry representatives, present.

Regarding the section providing the overall purpose of the ordinance, Mr. Campbell addressed the term "modification" suggested in Vice Chair Tucker's comments but indicated acceptance to the proposed language in this section.

Ethan Rogers, representing Mobilitie and Paul O'Boyle, representing Crown Castle were available for comments and suggestions.

Mr. Brown felt that the initial statement in the ordinance should acknowledge the important role of the whole wireless infrastructure, mobile communications, internet and the role they play in the City's economy, job creation, productivity and public safety. It should also acknowledge that wireless infrastructure is a utility as defined by the California Constitution and should be permitted under similar circumstances as other utility infrastructure improvements.

Vice Chair Tucker felt that the information is not needed in the ordinance and indicated wanting to focus on the regulatory aspect of the ordinance.

Regarding Subsection C within the purpose, Mr. Rogers reported that sometimes, most efficient and less obtrusive technology can be two different pieces of technology and stated that it is difficult to apply that standard.

Mr. Campbell noted the intent to screen the facilities and make them as least obtrusive as possible to minimize visual impact.

Vice Chair Tucker suggested adding, "shall utilize to the maximum extent practical, the most efficient and less obtrusive technology."

Mr. Campbell noted that the purpose and Subsection C is very similar to the ordinance currently in effect.

Secretary Kramer objected to a line-by-line review of the ordinance at this time and suggested creating a working committee, including industry representatives to develop a final draft that could be presented to the Commission, subsequently.

Vice Chair Tucker stated that he would like to proceed in order to get through the matter rather than have it return to the Commission. He felt that it would be beneficial to define the issues and give guidance at this time.

Commissioner Ameri stated agreement with Secretary Kramer in that by the Commission reviewing the matter line-by-line, it is doing the work of staff. He suggested allowing input from industry representatives, allowing staff to review their comments and make appropriate changes to the document and return to the Commission with specifics. He indicated that the Commission's job is not to rewrite the regulations, but to review them and make a judgment regarding the overall ordinance. He felt that the subject matter should be limited to those things important to the Commission and the public.

Vice Chair Tucker stated that is exactly what has already happened.

Regarding Section 20.49.020, Mr. Campbell referenced Subsection B where Vice Chair Tucker suggests inserting "or modification" the first line and noted there are facilities that may have a minor change in the facility and require a simple permit. He suggested deleting that portion of the ordinance and commented about the ability for authorizing minor changes as long as they are in substantial conformance. If the changes do not conform, there are processes to modify the permit and bring it before the Commission.

Regarding Section 20.49.020, Paragraph C, relative to exempt facilities, Mr. O'Boyle stated it refers to satellite dishes and ham radios and felt that exemptions should also be made for DAS technology.

Mr. Campbell reported that the draft is not intended to exempt but rather to regulate DAS facilities.

Vice Chair Tucker stated no changes to "all applicable City design guidelines and standards" noting the need to comply.

Regarding Section 20.49.020, Paragraph F, Vice Chair Tucker stated it has to do with language clarity in terms of when the ordinance is applicable. Mr. Campbell stated he will include the effective date of the ordinance.

Vice Chair Tucker addressed definitions and directed staff to clean them up as best as possible and to attempt to incorporate industry comments. He commented on Paragraph L and that defines an operator of a telecom facility noting that it needs to be clarified and that there are owners and tenant carriers.

Mr. Dean Brown noted there can be multiple users on the same facility. In regards to the definition for "base station," Mr. Brown stated that it differs from the FCC's definition which includes the definition in Paragraph O, Support Equipment. He added that the FCC's definition includes support equipment in a base station.

Ms. Mulvihill stated that the issue was raised previously and that it is not in conflict with the FCC and that staff has chosen to keep it as two definitions.

Mr. Brown commended staff on the new classification system and reported that it meets the new, recently passed Federal law.

Mr. O'Boyle referenced the definition of antenna array (B), which includes the vertical mass of the whole tower and that usually, when referencing the antenna array, it includes the antenna and the supporting equipment.

Mr. Campbell observed that the ordinance has never distinguished between the antenna support equipment versus the antenna support. He added that care must be taken to not include a building in that definition but rather the "antenna support structure." He stated that staff will review the definition and clean it up as well as the definition related to the telecommunications operator.

Regarding Section 20.49.050, Location Preferences, Mr. Brown stated the desire to serve all portions of the community, including residential areas.

Vice Chair Tucker referenced prohibited locations. Mr. Campbell noted an error in the document where the intent is to prohibit facilities on traffic control standards, not street lights. They would be allowed on street lights.

Additionally, Vice Chair Tucker wondered about prohibiting facilities in single-unit or multi-unit developments or open space.

Mr. Campbell observed that this is a re-drafting of the existing policy of prohibited locations.

Vice Chair Tucker wondered regarding applicability in all situations.

Commissioner Brown wondered if telecommunications infrastructure might need to be on residential properties in order to meet the demands of residents.

Mr. Dean Brown reported that it can be on the public right-of-way in residential areas. But, there are certain cases and uses that may be appropriate to locate them on private residential property. He added that there are a lot of sites on multi-level apartment buildings and that roof-located facility on those types of residential uses are allowed.

Mr. Campbell reported that telecom facilities are allowed on multi-family units except when the density is below four.

Mr. Brown noted there are larger single-family homes that may be topographically challenged and there may be opportunities in those areas to install stealth sites.

Mr. O'Boyle stated that in order to cover residents, sites must be among them. He added that the City must specify criteria for different installations rather than "one size fits all." He referenced the ordinance in the City of Costa Mesa that specifies a tiered level of facilities.

Commissioner Myers addressed the progression of equipment, the need for high-speed devices and felt that a prohibition in residential neighborhoods is self-defeating, particularly when topography is challenging. He agreed with Mr. O'Boyle that a predetermined size should be permitted to provide adequate cell coverage.

Commissioner Lawler agreed with Commissioner Myers's comments. He wondered regarding safety concerns in residential areas.

Mr. O'Boyle stated that the Distributed Antenna Systems (DAS) are installed on utility poles or on street lights. He added that the technology fits with sensitive architectural environments (i.e., Notre Dame). They are aesthetically pleasing and are designed to cover specific intersections and address both coverage and capacity.

Ms. Mulvihill noted that what has happened in other cities, when there have been installations of telecommunications facilities in residential areas, there has been public resistance based on belief that the facilities emit microwaves that are harmful. However, the Federal Government has established that the safety or health-risk concerns are not an appropriate consideration for cities; that they believe there are no health risks and that is the standard at this time. She added that it would not be appropriate for the Commission to regulate based on perceived health risk.

Commissioner Lawler felt that if aesthetics and size requirements are met, facilities should be allowed on single-family homes and densities below four.

Mr. Campbell reported that facilities are allowed in residential districts within the public right-of-way. Allowing them in densities below four, would be a new direction for the City and would involve a change in policy. He added that it needs to be done in a way that is sensitive to the community. He felt that creating a standard would be difficult in that there are basically two competing technologies. He cautioned against creating a standard that has a bias for a particular technology.

Vice Chair Tucker suggested reviewing the issue and having staff incorporate a broader allowance in residential districts.

Regarding co-location installations and 1,000 foot separation, Mr. Brown noted that technology is going towards the use of smaller cell sites that cover approximately one-quarter mile and are within 1,000 feet of other sites.

Mr. Campbell stated that the basic standard is in the current ordinance but is a little dated. He agreed that the trend is towards smaller facilities and that co-location may not be the best idea. He reported that it is a difficult thing to administer and that it is more applicable to larger Installations.

Regarding Section 20.49.060, Mr. Brown referenced general development standards and reported challenges with high ground water. He stated that the City's undergrounding requirements of cabinets, especially in the public right-of-way, are a real issue and hoped for flexibility related to that. He addressed the requirement for flush-mounted vents and related losses due to major thunder storms. He hoped that the City could provide flexibility related to such conditions.

Assistant City Attorney Mulvihill explained that there is a separate ordinance related to undergrounding utilities but staff is currently looking at those ordinances since there seems to be a desire to allow for certain above-ground facilities within certain sizes. If that is the case, that acceptance should be carried out in this ordinance as well.

Mr. Campbell noted the requirement for undergrounding allows above-grade vents with a maximum height above grade for vents and he felt that flexibility is provided in the draft the ordinance.

Vice Chair Tucker encouraged staff and industry representatives to work together to address specific issues before returning to the Commission with a final draft.

Mr. O'Boyle commented on 20.49.060 (A) regarding "least intrusive means," noting the importance of clear and specific articulation. He felt that as presented, DAS is called out for special treatment. Regarding (B), Public View Protection, he took issue with the term, "identified" and suggested using the term, "designated."

Vice Chair Tucker noted that it is addressed in the General Plan with a specific policy. He added that while private views are not protected, public views are. He stated that public views are defined specifically, in the General Plan.

Mr. Campbell added that there is a map in the General Plan that identifies public view sites and roads in different areas. He stated that if a public view is identified, it would be added to the General Plan to provide protection.

Vice Chair Tucker indicated the need to not be precluded from adding other sites as they are identified. He would like the ability to add public view sites as applications are processed.

Mr. O'Boyle commented on Paragraph C4, regarding a minimum height of antennas and average service adding that the desire is to provide above-average service.

Vice Chair Tucker agreed that the City wants effective service versus average service.

Mr. O'Boyle noted that maximum height of antennas on utility poles is generally, thirty-five (35) feet. He stated that it precludes specifically-designed cell sites (pole-top mounts). He felt there should be more flexibility to allow for pole-top mounts, as needed. Additionally, there are situations that additional height is needed for safety issues and to meet a minimum of six-foot separations between zones on poles.

Vice Chair Tucker noted the desire to fit within the current infrastructure.

Mr. Rogers commented on problems with the terms, "effective service" and "average service" and resulting restrictions. He felt that the maximum height limits are sufficient.

Vice Chair Tucker understood the goal to be the least visually intrusive. He added that different language should be used relative to the term, "hide."

Mr. O'Boyle addressed Paragraph E, Design Criteria, felt that the term, "surrounding area" is general and suggested replacing it with "adjacent properties." He referenced E, Paragraph 5, relative to the "size as determined by the City" and agreed with the statement as presented as well as the issue of screening. Additionally, he addressed replacement poles and questioned the use of the term, "consistent" and commented on FCC standards for the same.

Jim Mosher commented on comparisons of wireless ordinances from other cities and wished that it had been presented publicly. He stated that staff is recommending changing the five categories to three and agreed with that recommendation. He commented on public view protections and noted that there is minimal consideration in the City of private views and that telecommunication facilities can be installed in a myriad of places with added flexibility. He referenced the purpose of the ordinance as originally stated that he felt gives consideration of private views and the proposed ordinance does not as amended. He commented on the need for the applicant to submit coverage maps and visual simulations and the need to consider views from public areas and private residences. Additionally, he commented on the need to refer applications for special review because of the potential of those applications for greater than usual visual or other impacts on nearby property owners, residences and businesses, and findings required for Council action.

Regarding 20.49.070, Mr. Brown addressed Section G regarding Emergency Communication Review, and stated that it has been determined that wireless infrastructure does not interfere with emergency communications and there is no necessity of going through a pre-application review with the Police and Fire Departments.

Mr. O'Boyle commented on the DAS exemption and referenced Table 4.1, Paragraph B, regarding allowing installation of DAS subject to an issuance of a zoning clearance. He wondered how DAS would be treated in terms of the process.

Mr. Campbell indicated the need to review the issue closely. He reported that the Planning Commission would review Conditional Use Permits while zoning clearance would be reviewed administratively by staff. Minor Use Permits would be considered by the Zoning Administrator, unless appealed. He noted difficulty in understanding the table 4-1 in the current draft and suggested the possibility of the Planning Commission reviewing new free standing structures and that it would simplify the process.

Commissioner Myers referenced a chart that showed where the Planning Commission was involved.

Mr. Campbell reported that the presentation was based on Table 4-1 and felt that it needs to be reviewed and modified. He requested input regarding what the Planning Commission would like or need to review and suggested that it be Class 4 facilities. He added that it can be tailored, depending on the Planning Commission's desire.

Vice Chair Tucker expressed reservation about placing facilities in residential areas while acknowledging the need for coverage.

Mr. Campbell suggested sending all Class 2 facility applications to the Zoning Administrator. He would prefer not having a standard based on visibility of a facility since that is a subjective criterion.

Vice Chair Tucker added that the Zoning Administrator has the option of referring items to the Planning Commission.

Commissioner Brown commented on the pre-application issue and Mr. Brown confirmed it is included in 20.49.070 (G). Mr. Brown added that typically, most jurisdictions required that telecommunications equipment not conflict with emergency communication channels. He stated that the Orange County Fire Authority no longer reviews applications.

Mr. Campbell stated that staff will review the matter and consult with the Police and Fire Departments.

Ms. Mulvihill noted that it is a historical requirement and agreed with the need to review the matter with the Police and Fire Departments to ensure that there are no scenarios where there could be interference.

Regarding 20.49.100, Modifications to Existing Telecommunications, Mr. O'Boyle noted issuance of a zoning clearance up to five (5%) percent of the physical increase of dimensions adding that the provision is not consistent with the FCC, which is ten (10%) percent.

Ms. Mulvihill felt that the FCC has not mandated the matter and that staff will review the issue to ensure consistency with the FCC.

Regarding 20.49.110, Mr. Brown stated working with jurisdictions and wireless providers throughout the State and has never come across a situation where radio frequency emissions exceed Federally-adopted standards. If they do, the FCC could revoke a provider's license and noted that over the last years, emissions have decreased substantially because of network infrastructure expansions. He addressed FCC categorical exempted rulings and felt that the provision should be excluded from the ordinance.

Mr. Campbell indicated that staff will review the issue and that it is not the intent to regulate emissions but is simply asking that applicants demonstrate compliance with FCC requirements.

Commissioner Brown offered that it may just be a language issue.

Mr. O'Boyle added that DAS facilities emit less than one-half of one percent of the allowable FCC regulations.

Regarding 20.49.060, Mr. Rogers referenced a prohibition against false rocks unless there are other rock outcroppings and compared it to mono-poles and faux trees, adding that the prohibition makes little sense.

Vice Chair Tucker directed staff to review the matter.

Mr. Campbell reported that the intent is not to create a natural feature that is out of place.

In response to an inquiry from Commissioner Ameri, Mr. Brown reported that his organization covers many jurisdictions, addressed moratoriums in place and others going through updates because of the new Federal Law requirements.

Mr. Brown reiterated concerns about providing coverage in lower-density residential zones and provided information regarding how the issue is addressed in other jurisdictions.

Mr. O'Boyle added that one size does not fit all and felt that a tiered system, based upon size, would be helpful.

Mr. Brown noted that the industry is trending towards smaller facilities.

In response to Commissioner Ameri's inquiry regarding practices by other cities, Ms. Mulvihill reported that it is staff's practice to survey other cities and their practices and commented on the City of Huntington Beach noting that she drafted their ordinance, which was challenged by some of the carriers. While she understands the concerns of the carriers, she stated that the City wants to provide coverage, that there are distinctions regarding rights to be in the right-of-way and court decisions. The ordinance is drafted with respect to local zoning while acknowledging the possibility of litigation.

Jim Mosher addressed the permit review procedure and exemptions regarding submitting DAS to the Zoning Administrator. He stated that the public has a fundamental right to know what the government is doing and felt that the issue is unfair to the public. He noted that the public has the right to appeal the decision of the Planning Division if they do not agree with it but the right is useless if they are unaware that a decision has been made. He hoped that the Planning Commission would pay attention to the findings it must make when an application goes before it. He felt that the first two findings are redundant. He addressed visual compatibility, avoiding placing facilities on public facilities, the five (5%) percent rule and avoiding placing them on traffic standards. Regarding the latter, he felt that facilities would be less obtrusive by placing them on poles found in intersections.

Mr. Campbell addressed co-location and explained the need to avoid an issue where telecom facility maintenance might impact traffic signal operation. He added that the Public Works Department is adamant about not having facilities installed on traffic control standards.

Vice Chair Tucker closed public comments for this item. He added that the matter will be continued to the Planning Commission meeting of October 17, 2013, and wondered if the Commission should have input from others that understand the technicalities better.

Assistant City Attorney Mulvihill reported that the decision to revisit the ordinance came from the Media and Telecommunications Committee and was based on public comments received in early 2010. At that time, it was not addressed as a zoning matter but was through a telecommunications permit process through Council. She added that ultimately, the issues raised by industry representatives are policy decisions to be made by the Planning Commission.

Vice Chair Tucker felt that the ordinance can be set up but stated that he would be more comfortable if the matter were reviewed by someone that understands the technicalities.

Ms. Mulvihill reported that the City retained telecommunications experts and that from staff's perspective; staff feels comfortable with the matter.

Secretary Kramer felt that the residential issue was not resolved.

Vice Chair Tucker commented on wanting staff to review the issue, offer appropriate language and define the specific issues. He felt that the revised draft should address most of the issues of concern.

Commissioner Brown agreed and felt that staff is very close to providing an acceptable final draft.

Commissioner Ameri noted that the Commission should not be involved in the technicalities but review the item based on land-use issues and those that affect the community. He felt there is a danger of the Commission being overwhelmed with technical issues.

Members of the Commission agreed to continue this matter to the Planning Commission meeting of October 17, 2013.

IX. OTHER BUSINESS**ITEM NO. 4 LAND USE ELEMENT AMENDMENT (PA2013-098)****Site Location:** City-wide

Deputy Community Development Director Brenda Wisneski provided a PowerPoint presentation highlighting the proposed changes reviewed by the Committee, to date, as well as next steps. She addressed the objective of the Land Use Element Amendment Advisory Committee, the consideration by the Committee of policies, study areas and categories. She addressed specific properties reviewed and determinations regarding development capacities. She reported that the Committee will be reviewing policies which will drive revitalization of the various areas. She addressed requests from the airport area, including an increase in residential developments in the area. Additionally, she reported that the Committee will consider whether additional trips should be generated to facilitate new project as well as looking at the area more comprehensively. She addressed unresolved issues related to Lower Castaways and The Irvine Company properties and detailed next steps.

Vice Chair Tucker commented on the last meeting of the Committee where projects in the airport area were considered. He provided a summary including the Lyon property, the Saunders property, the Hangers and a request by Fletcher Jones.

In response to an inquiry from Commissioner Kramer regarding Fletcher Jones's interest in the land, Vice Chair Tucker reported that the development was done on a footprint-lot basis noting that the footprint of each building is parcel and that all the common areas are a separate parcel. He reported that land-use changes for 40,000 square feet or more must be put to a vote. He referenced an Environmental Impact Report (EIR) that supports the General Plan update. He commented on the Saunders project and avoiding restrictions regarding development and noted that the airport area proposals are works in progress.

Commissioner Myers departed the Chambers at this juncture (9:16 p.m.).

Discussion followed regarding studying the airport area separately and the need for Council to review the matter because of added trips. It was suggested that the Commission recommend to Council having this particular part of the matter as its own study.

Vice Chair Tucker noted that it is Council's decision, that the goal was trip neutrality and that Council needs to decide if there are any circumstances in which trip neutrality would not be a goal. He felt that it should be studied, for CEQA purposes, as not neutral.

Vice Chair Tucker addressed the issue of traffic neutrality and noted that each intersection will have to be included in the traffic study.

Commissioner Ameri commented on traffic neutrality City-wide, extra capacity and developing a reasonable distribution by relieving traffic.

Vice Chair Tucker suggested studying as broadly as possible while still meeting the time horizon to place the matter on the ballot in 2014.

Commissioner Ameri added allowing the consultant to study the City's overall traffic but also traffic generated or anticipated by adjacent cities. He felt there needs to be an emphasis on the matter and needs to be considered carefully.

Vice Chair Tucker reviewed specific projects and properties, items considered by the Committee, related recommendations and specific issues needing additional study. He added that policy revisions will occur within the next several months. He reported endorsing what the Committee has decided to this point with no opinion on the airport area at this time.

Ms. Wisneski reported that no formal action is needed.

Interested parties were invited to address the Commission on this matter. There was no response and Vice Chair Tucker closed public comments.

X. STAFF AND COMMISSIONER ITEMS**ITEM NO. 5 MOTION FOR RECONSIDERATION - None****ITEM NO. 6 COMMUNITY DEVELOPMENT DIRECTOR'S REPORT****Committee Updates:**

1. Land Use Element Amendment Advisory Committee
2. General Plan/Local Coastal Program Implementation Committee

Ms. Wisneski reported that the General Plan/Local Coastal Program Implementation Committee meets next Wednesday, September 25, 2013. Additionally she reported that the Planning Commission's decision regarding Woody's Wharf was called up for City Council review and is scheduled for October 8, 2013. In addition, Council introduced the ordinance to modify the findings for lot mergers, as the Planning Commission recommended.

ITEM NO. 7 ANNOUNCEMENTS ON MATTERS THAT THE PLANNING COMMISSION MEMBERS WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION, OR REPORT - None**ITEM NO. 8 REQUESTS FOR EXCUSED ABSENCES**

Vice Chair Tucker reported that he will be absent for the next meeting of the Planning Commission.

XI. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 9:31 p.m.

The agenda for the Regular Meeting was posted on September 13, 2013, at 4:00 p.m., in the binder and on the City Hall Electronic Bulletin Board located in the entrance of the Council Chambers at 100 Civic Center Drive.

Bradley Hillgren, Chair

Kory Kramer, Secretary

CITY OF NEWPORT BEACH
PLANNING COMMISSION STAFF REPORT

October 3, 2013 Meeting

Agenda Item 2

SUBJECT: Santa Ana Heights Code Amendment (PA2013-114)
▪ Code Amendment No. CA2013-005

APPLICANT: City of Newport Beach

PLANNER: Benjamin M. Zdeba, Assistant Planner
(949) 644-3253, bzdeba@newportbeachca.gov

PROJECT SUMMARY

An amendment to Chapter 20.90 (Santa Ana Heights Specific Plan) of the Zoning Code (Title 20) removing the requirement for an annual use permit to keep three to six horses on a property for noncommercial purposes within the Residential Equestrian (REQ) District. Property maintenance regulations remain in full force and effect to ensure properties with horses remain compatible with surrounding land uses.

RECOMMENDATION

- 1) Conduct a public hearing; and
- 2) Adopt Resolution No. ____ (Attachment PC 1) recommending City Council approval of Code Amendment No. CA2013-005.

DISCUSSION

Background

On September 10, 2002, the City of Newport Beach entered into a Pre-Annexation Agreement with the County of Orange Board of Supervisors ("County") and the Orange County Development Agency ("Agency") that specified the terms of annexation for the Santa Ana Heights area to the City of Newport Beach. Included in the agreement is a requirement that prior to any General Plan Amendment or Specific Plan Amendment, the City must first obtain consent of the amendment from both the County and Agency¹. East Santa Ana Heights and West Santa Ana Heights were subsequently annexed to the City in July 2003 and May 2006, respectively.

The Santa Ana Heights Specific Plan includes zoning regulations with respect to land use and development and includes parameters for the recreational keeping of horses

¹ Section 2.1 of the Pre-Annexation Agreement States: "After the CITY's annexation of the Annex Area, the CITY shall not amend its General Plan as it pertains to the Annex Area or the Specific Plan without the prior written consent of the COUNTY and AGENCY..."

within the Residential Equestrian (REQ) and Single-Family Residential (RSF) Districts (Attachment PC 2). Additionally, within the REQ District, residents wishing to keep between three and six horses are required to obtain an annual use permit. The City has not yet established a procedure for issuing the annual use permits and, consequently, no such permits have been issued.

In April 2010, City Council directed staff to initiate the process to amend the Santa Ana Heights Specific Plan to remove the annual use permit requirement. However, staff did not send forward the appropriate requests to the County and Agency and did not obtain written consent to proceed with the amendment process at that time.

In June 2013, staff brought a draft ordinance (Attachment PC 3) to City Council amending the zoning regulations to simply remove the annual use permit requirement while maintaining the current property maintenance standards and the maximum number of horses allowed based on parcel sizes. At that meeting, City Council authorized the Mayor to send correspondence to the Orange County Board of Supervisors and Agency (Successor) requesting consent to amend the Santa Ana Heights Specific Plan to delete the requirement for an annual use permit relative to the keeping of three to six horses in the REQ (Residential Equestrian) District.

In August 2013, the City received consensual resolutions from both the County and Agency to proceed with the amendment (Attachment PC 4).

Analysis

Upon annexation, the City adopted the Santa Ana Heights Specific Plan as the Zoning District for the area. This designation and its regulations were in place under County jurisdiction and remained unchanged post annexation. Section 20.90.060.D (Accessory Uses Permitted) of the REQ District regulations sets forth the allowed accessory uses including recreational horse-keeping. As shown in the table below, recreational horse-keeping within the REQ District is contingent upon the size of the building site. As it stands currently, any person wishing to keep between three and six horses on an REQ property must obtain an annual use permit.

Size of Building Site (sq. ft.)	Maximum Number Permitted
Less than 10,000	1
10,000 to 15,000	2
Greater than 15,000	3 to 6 with use permit *

* Use permits shall be processed in accordance with subsection (G) of this section.

There are several standards outlined in the Zoning Code relative to property maintenance (e.g., dust and manure control, food storage, etc.) for those properties keeping horses for noncommercial purposes that which have been enforced since annexation. Other potential concerns such as urban runoff and water quality are further governed by Municipal Code Section 14.36 (Water Quality) which is intended to mandate participation in the improvement of water quality and compliance with federal requirements. The City's Code and Water Quality Enforcement Division ensures all property maintenance standards are followed by property owners and residents keeping horses within the Santa Ana Heights Specific Plan Area.

Even though the annual use permit has not been required, Code Enforcement still encourages compliance with best management practices. Since January, 2008, Code Enforcement has received and responded to six complaints relative to either excessive dust or discharge into the storm drain system on six different properties keeping horses. Additionally, Code Enforcement educates residents and continues to conduct outreach events such as a recent community meeting where a Code Enforcement staff member gave an extensive presentation on best management practices (Attachment PC 5). These enforcement and education efforts help to prevent any detriment from horse-keeping properties within the area.

Proposed Amendment

The proposed amendment would continue to allow the recreational keeping of three to six horses on a REQ property meeting the minimum building site standards; however, no annual use permit would be required. It would also revise the language under Subsection G (Use Permit Procedures) by removing any reference to a use permit, but upholding the property maintenance standards to ensure compatibility with the surrounding area and land uses.

The proposed changes to these sections are provided in Exhibit A of the draft resolution (Attachment PC 1).

Staff believes removal of the requirement for an annual use permit will not negatively affect enforcement of property maintenance standards prescribed by the Municipal Code.

ENVIRONMENTAL REVIEW:

This action is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of

Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.


NOTICING:

Notice of this amendment was mailed to property owners of lots in the REQ district and to those in the RSF district immediately adjacent to the REQ and published in the Daily Pilot, including an eighth page advertisement. Additionally, the item appeared on the agenda for this meeting, which was posted at City Hall and on the City website.

Prepared by:

Submitted by:



Benjamin M. Zdeba
Assistant Planner

Brenda Wisneski, AICP, Deputy Director

ATTACHMENTS

- PC 1 Draft Resolution
- PC 2 SP-7 REQ and RSF Land Use Designations
- PC 3 Draft Ordinance
- PC 4 County and Agency Consent
- PC 5 Community Meeting BMP Presentation

Attachment PC 1

Draft Resolution

RESOLUTION NO. ____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH RECOMMENDING CITY COUNCIL ADOPTION OF ZONING CODE AMENDMENT NO. CA2013-005 AMENDING SECTION 20.90.060 (RESIDENTIAL EQUESTRIAN DISTRICT: SP-7 (REQ)) REMOVING ANNUAL USE PERMITS FOR THE NONCOMMERCIAL KEEPING OF THREE TO SIX HORSES IN THE REQ (RESIDENTIAL EQUESTRIAN) DISTRICT OF THE SP-7 (SANTA ANA HEIGHTS SPECIFIC PLAN) ZONING DISTRICT (PA2013-114).

THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

SECTION 1. STATEMENT OF FACTS.

1. In July of 2003 and May of 2006, East Santa Ana Heights and West Santa Ana Heights were annexed into the City and continued to be subject to the Santa Ana Heights Specific Plan Area Regulations as well as the Annexation Agreement.
2. The Santa Ana Heights Specific Plan requires a property owner or resident within the REQ (Residential Equestrian) District to obtain an annual use permit for the recreational keeping of three to six horses over the age of eight months on a single property.
3. On June 25, 2013, the City Council reaffirmed its intent to remove the requirement for an annual use permit and authorized the Mayor to send correspondence to the County and Agency requesting consent to amend the Specific Plan.
4. The County and Agency provided written consent to proceed with the proposed amendment on August 20, 2013.
5. The Planning Commission conducted a public hearing on October 3, 2013, in the City Hall Council Chambers, 3300 Newport Boulevard, Newport Beach, California. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this meeting.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

This action is not subject to the California Environmental Quality Act ("CEQA") pursuant to Section 1506(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential to have a significant effect on the environment.

SECTION 3. FINDINGS.

1. The requirement for an annual use permit to recreationally keep three to six horses on a property within the Residential Equestrian (REQ) District of the Santa Ana Heights Specific Plan (SP-7) has not been enforced since annexation, but the City has conducted inspections, enforced regulations, and completed outreach.
2. Property maintenance standards for property owners and residents keeping horses are prescriptive within the Zoning Code and the removal of the use permit procedure does not preclude enforcement of these standards.

NOW, THEREFORE, BE IT RESOLVED:

The Planning Commission of the City of Newport Beach hereby recommends approval of Code Amendment No. CA2013-005 as set forth in Exhibit "A."

PASSED, APPROVED AND ADOPTED THIS 3RD DAY OF OCTOBER, 2013.

AYES:

NOES:

ABSTAIN:

ABSENT:

BY: _____
Bradley Hillgren, Chairman

BY: _____
Kory Kramer, Secretary

EXHIBIT A

Code Amendment No. CA2013-005 (proposed amendment is underlined)

Section 20.90.060.D

D. Accessory Uses Permitted. Accessory uses and structures are permitted when customarily associated with and subordinate to a principal permitted use on the same building site including:

1. Garages and carports.
2. Swimming pools.
3. Fences and walls.
4. Patio covers.
5. Signs per Chapter [20.42](#). No sign shall exceed six square feet in area unless otherwise approved through a comprehensive sign permit or modification permit in accordance with Chapter [20.42](#) and Part 5 of this title.
6. Home occupations per Section [20.48.110](#).
7. The keeping of the following animals for the recreational enjoyment of persons residing on the same building site, subject to the noted restrictions:
 - a. Any animal if kept exclusively within the residence.
 - b. Horses and ponies, limited to the following (offspring exempt up to the age of eight months):

Size of Building Site (sq. ft.)	Maximum Number Permitted
Less than 10,000	1
10,000 to 15,000	2
Greater than 15,000	3 to 6 with use permit *

* ~~Use permits shall be processed in accordance with~~ Subject to compliance with the property maintenance standards in subsection (G) of this section.

- c. Goats, sheep, pigs and cows only on building sites greater than fifteen thousand (15,000) square feet in size and limited to: (i) no more than two adult animals of any one species per building site and (ii) no more than a total of six adult animals, including horses and ponies, per building site. Offspring are exempt until such time as they are weaned.
- d. Rabbits, chickens and ducks, limited to no more than a total of six of such animals per building site.
- e. Up to three dogs and three cats. Offspring are exempt up to the age of four months. The keeping of four or more dogs or four or more cats over the age of four months is also permitted subject to obtaining an animal permit per County health regulations.
- f. Minimum setbacks for the keeping of animals shall be as follows:

	From Ultimate Street Right-of- Way Line		From Property Line Abutting RSF or BP Districts		From Property Line Abutting REQ District	
	Front	Side	Front	Side	Front	Side
All structures housing animals (e.g., corrals, pens, stalls, cages, doghouses)	50	20	25	25	5*	5*
Exercise areas	25	10	0	0	0	0

* Required for covered portions of structures only.

- 8. Granny unit, attached or detached, in conformance with Section [20.48.200](#), subject to the approval of a minor use permit per Part 5 of this title.
- 9. Any other accessory use or structure which the Planning Director finds consistent with the purpose and intent of this District.

Section 20.90.060.G

G. ~~Use Permit Procedures~~ Property Maintenance Standards.

- 1. Purpose and Intent. Within the REQ District, most lots are relatively small (less than one-half acre), narrow (sixty-six (66) feet wide), and surrounded by existing tract housing, existing retail commercial uses and proposed business park development. Due to the unique size and configuration of these lots and their close proximity to more urbanized uses, it is necessary to adopt property

~~maintenance standards require a use permit~~ for the noncommercial keeping of horses and ponies for the purpose of ensuring compatibility with surrounding land uses. ~~It is the intent of the City to provide for annual inspections of such equestrian facilities by all pertinent authorities, including Vector Control, Animal Control, Environmental Health, Regulation Enforcement, and others as necessary to ensure that the regulations set forth below are properly implemented.~~

~~2. Use Permit Required. Property owners or tenants keeping more than two horses and/or ponies over the age of eight months on a single building site within the REQ District shall obtain an annual use permit approved by the Planning Director per Part 5 of this title. After one year from the effective date of the ordinance codified in this title, any property owner or tenant introducing or adding horses and/or ponies onto properties within the REQ District shall, within one month, obtain a recreational horse permit if the total number of such animals over the age of eight months exceeds two. The Planning Director shall issue a permit for the keeping of such animals upon receipt of the fee established by the City Council, if any, provided, in the Director's opinion, (a) such animals are being kept or maintained without endangering the safety and comfort of the inhabitants of the neighborhood, and (b) the property owner or tenant has complied with the regulations of the REQ District. Failure to comply with these regulations or any conditions imposed by the Planning Director shall constitute cause for denial or revocation of such permit. Any person whose application for a use permit is denied or revoked under the terms of these specific plan regulations may appeal the decision of the Planning Director to the Planning Commission in accordance with the procedures set forth in Part 5 of this title. Use permits shall be nontransferable and must be renewed annually.~~

~~3-2. Permit Regulations.~~ The following ~~standards regulations~~ shall apply to building sites with three (3) to six (6) horses and/or ponies over the age of eight months :

- a. The property owner or tenant shall initiate and maintain a program of proper manure management. The property owner or tenant shall provide for the daily collection of manure from in and around corrals and exercise areas. Manure shall be stored in covered containers. In no case shall manure be permitted to remain in any container for a period exceeding seven days.
- b. A program of continuous dust control of the entire premises shall be carried out. A method for light watering of arenas and exercise areas shall be maintained. In lieu of watering, chemical control of dust may be permitted.
- c. There shall be adequate and effective control of insects and rodents and such control shall be vigorously maintained at all times. All dry grains and pellets shall be stored in rodent-proof

containers (i.e., well-sealed and preferably metal containers). Hay shall be stored on a raised platform with a minimum six-inch clearance above the surrounding area.

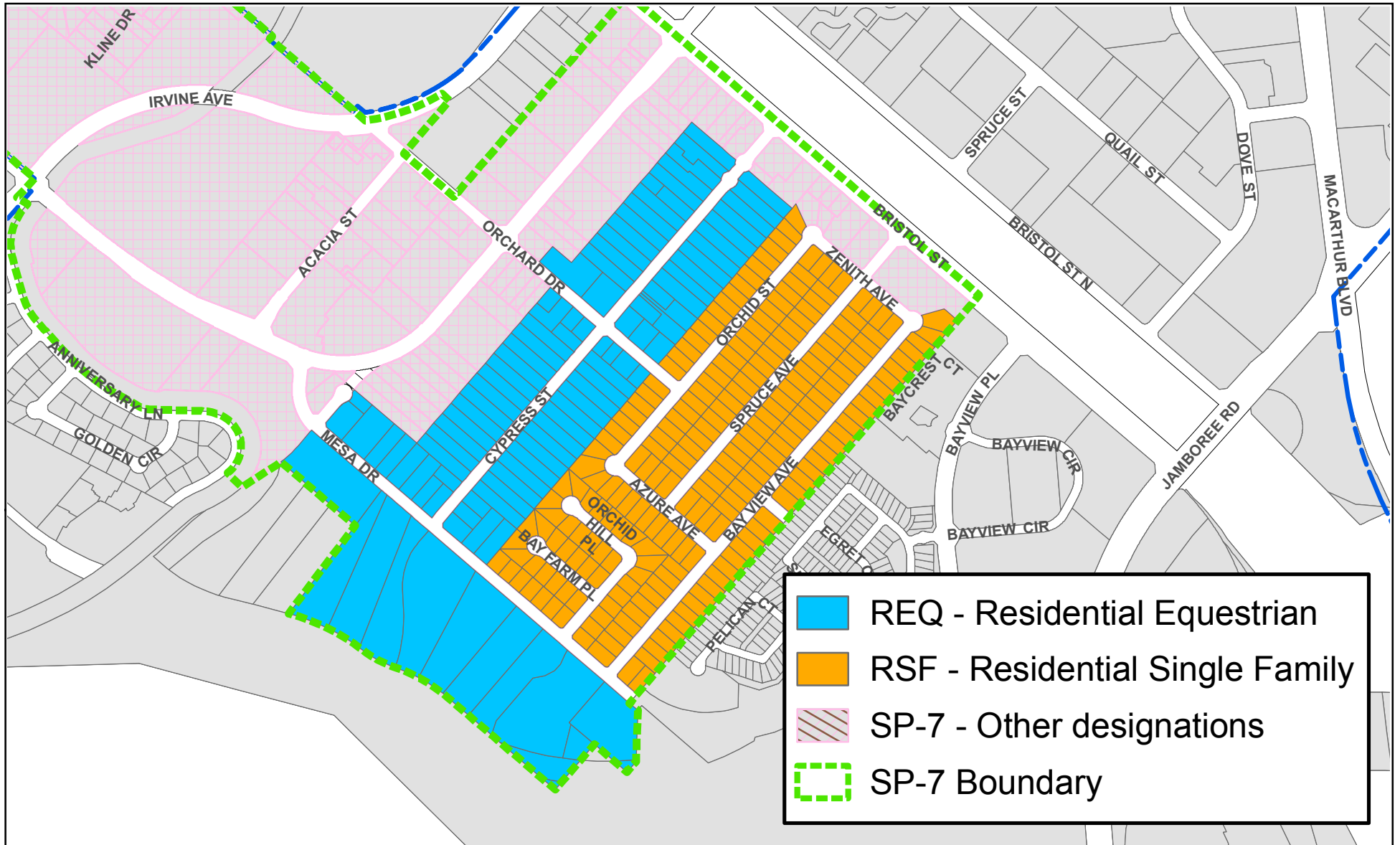
d. Combustible materials and/or solutions shall be maintained a minimum of twenty-five (25) feet from all residential structures and structures housing animals.

e. The property owner or tenant shall allow no animal to constitute or cause a hazard or be a menace to the health, safety, or peace of the community. The property owner or tenant shall keep all animals in such manner as may be prescribed to protect the animals from the public and the public from the animals.

f. The property owner or tenant shall make every reasonable effort to recapture every animal that escapes. Escapes of animals wherein the recapture of the animal cannot be immediately accomplished shall be reported to City Animal Control.

Attachment PC 2

SP-7 REQ and RSF Land Use Designations



Santa Ana Heights Specific Plan (SP-7) REQ and RSF Land Use Designations

0 250 500
Feet



Attachment PC 3

Draft Ordinance

ORDINANCE NO. 2013-_____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
NEWPORT BEACH ADOPTING ZONING CODE AMENDMENT
NO. CA2013-_____ AMENDING SECTION 20.90.060
(RESIDENTIAL EQUESTRIAN DISTRICT: SP-7 (REQ))
REMOVING ANNUAL USE PERMITS FOR THE KEEPING OF
THREE TO SIX HORSES IN THE REQ (RESIDENTIAL
EQUESTRIAN) DISTRICT OF THE SP-7 (SANTA ANA HEIGHTS
SPECIFIC PLAN) ZONING DISTRICT (PA2013-114).**

WHEREAS, on September 10, 2002, the City entered into a Pre-Annexation Agreement with the Orange County Board of Supervisors ("County") and the Orange County Development Agency (now Successor Agency, "Agency") that specified the terms of annexation of the area known as Santa Ana Heights to the City. Section 2.1 of this agreement requires the City to receive the written consent of the County and the Development Agency prior to proceeding with any amendments to the Santa Ana Heights Specific Plan.

WHEREAS, in July of 2003 and May of 2006, East Santa Ana Heights and West Santa Ana Heights were annexed into the City and continued to be subject to the Santa Ana Heights Specific Plan Area Regulations as well as the Annexation Agreement.

WHEREAS, the Santa Ana Heights Specific Plan requires a property owner or tenant within the REQ (Residential Equestrian) District to obtain an annual use permit for the recreational keeping of three to six horses over the age of eight months on a single property.

WHEREAS, on June 25, 2013, the City Council reaffirmed its intent to remove the requirement for an annual use permit and authorized the Mayor to send correspondence to the County and Agency requesting consent to amend the Specific Plan.

WHEREAS, the County provided written consent to proceed with the proposed amendment on _____, 2013.

WHEREAS, the Agency provided written consent to proceed with the proposed amendment on _____, 2013.

WHEREAS, the Planning Commission conducted a public hearing on _____, 2013, in the City Hall Council Chambers, 100 Civic Center Drive, Newport Beach, California. A notice of time, place, and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this meeting.

WHEREAS, on _____, 2013, the Planning Commission adopted Resolution No. _____ recommending City Council adoption of Code Amendment No. CA2013-_____ which removes the requirement to obtain annual use permits for keeping of three to six horses.

WHEREAS, a public hearing was held by the City Council on _____, 2013, in the

City Hall Council Chambers, 100 Civic Center Drive, Newport Beach, California. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the City Council at this meeting.

NOW THEREFORE, the City Council of the City of Newport Beach ordains as follows:

Section 1: Section 20.90.060.D is hereby amended to read as follows:

“D. Accessory Uses Permitted. Accessory uses and structures are permitted when customarily associated with and subordinate to a principal permitted use on the same building site including:

1. Garages and carports.
2. Swimming pools.
3. Fences and walls.
4. Patio covers.
5. Signs per Chapter [20.42](#). No sign shall exceed six square feet in area unless otherwise approved through a comprehensive sign permit or modification permit in accordance with Chapter [20.42](#) and Part 5 of this title.
6. Home occupations per Section [20.48.110](#).
7. The keeping of the following animals for the recreational enjoyment of persons residing on the same building site, subject to the noted restrictions:
 - a. Any animal if kept exclusively within the residence.
 - b. Horses and ponies, limited to the following (offspring exempt up to the age of eight months):

Size of Building Site (sq. ft.)	Maximum Permitted Number
Less than 10,000	1
10,000 to 15,000	2
Greater than 15,000	3 to 6*

* Subject to compliance with the property maintenance standards in subsection (G) of this section.

c. Goats, sheep, pigs and cows only on building sites greater than fifteen thousand (15,000) square feet in size and limited to: (i) no more than two adult animals of any one species per building site and (ii) no more than a total of six adult animals, including horses and ponies, per building site. Offspring are exempt until such time as they are weaned.

d. Rabbits, chickens and ducks, limited to no more than a total of six of such animals per building site.

e. Up to three dogs and three cats. Offspring are exempt up to the age of four months. The keeping of four or more dogs or four or more cats over the age of four months is also permitted subject to obtaining an animal permit per County health regulations.

f. Minimum setbacks for the keeping of animals shall be as follows:

	From Ultimate Street Right-of-Way Line		From Property Line Abutting RSF or BP Districts		From Property Line Abutting REQ District	
	Front	Side	Front	Side	Front	Side
All structures housing animals (e.g., corrals, pens, stalls, cages, doghouses)	50	20	25	25	5*	5*
Exercise areas	25	10	0	0	0	0

* Required for covered portions of structures only.

8. Granny unit, attached or detached, in conformance with Section [20.48.200](#), subject to the approval of a minor use permit per Part 5 of this title.

9. Any other accessory use or structure which the Planning Director finds consistent with the purpose and intent of this District.”

Section 2: Section 20.90.060.G is hereby amended to read as follows:

“G. Property Maintenance Standards.

1. Purpose and Intent. Within the REQ District, most lots are relatively small (less than one-half acre), narrow (sixty-six (66) feet wide), and surrounded by existing tract housing, existing retail commercial uses and proposed business park development. Due to the unique size and configuration of these lots and their close proximity to more urbanized uses, it is necessary to adopt property maintenance standards for the noncommercial keeping of horses and ponies for the purpose of ensuring compatibility with surrounding land uses.

2. The following standards shall apply to building sites with three (3) to six (6) horses and/or ponies over the age of eight months :

a. The property owner or tenant shall initiate and maintain a program of proper manure management. The property owner or tenant shall provide for the daily collection of manure from in and around corrals and exercise areas. Manure shall be stored in covered containers. In no case shall manure be permitted to remain in any container for a period exceeding seven days.

b. A program of continuous dust control of the entire premises shall be carried out. A method for light watering of arenas and exercise areas shall be maintained. In lieu of watering, chemical control of dust may be permitted.

c. There shall be adequate and effective control of insects and rodents and such control shall be vigorously maintained at all times. All dry grains and pellets shall be stored in rodent-proof containers (i.e., well-sealed and preferably metal containers). Hay shall be stored on a raised platform with a minimum six-inch clearance above the surrounding area.

d. Combustible materials and/or solutions shall be maintained a minimum of twenty-five (25) feet from all residential structures and structures housing animals.

e. The property owner or tenant shall allow no animal to constitute or cause a hazard or be a menace to the health, safety, or peace of the

community. The property owner or tenant shall keep all animals in such manner as may be prescribed to protect the animals from the public and the public from the animals.

f. The property owner or tenant shall make every reasonable effort to recapture every animal that escapes. Escapes of animals wherein the recapture of the animal cannot be immediately accomplished shall be reported to City Animal Control.”

Section 3: If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase hereof, irrespective of the fact that anyone or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 4: This action shall become final and effective thirty days after the adoption of this Ordinance.

Section 5: The City Council finds the approval of this ordinance is not subject to the California Environmental Quality Act (“CEQA”) pursuant to Section 1506(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential to have a significant effect on the environment.

Section 6: The Mayor shall sign and the City Clerk shall attest to the passage of this Ordinance. This Ordinance shall be published once in the official newspaper of the City, and the same shall become effective thirty (30) days after the date of its adoption.

This Ordinance was introduced at a regular meeting of the City Council of the City of Newport Beach held on the ____ day of ____, 2013, and adopted on ____ day of ____ 2013, by the following vote, to wit:

AYES, COUNCIL MEMBERS _____

NOES, COUNCIL MEMBERS _____

ABSENT, COUNCIL MEMBERS _____

MAYOR

Keith D. Curry

ATTEST:

Leilani Brown, City Clerk

APPROVED AS TO FORM,
OFFICE OF CITY ATTORNEY:

Aaron Harp, City Attorney
For the City of Newport Beach

DRAFT

Attachment PC 4

County and Agency Consent

ORANGE COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

August 20, 2013

Submitting Agency/Department: County Executive Office

Acting as the Board of Supervisors and Successor Agency to the Orange County Development Agency - Adopt resolutions concurring with City of Newport Beach's proposed changes to the City's Santa Ana Heights Specific Plan - District 2

The following is action taken by the Board of Supervisors:

APPROVED AS RECOMMENDED ☒ OTHER ☐

Unanimous ☒ (1) NGUYEN: Y (2) MOORLACH: Y (3) SPITZER: Y (4) NELSON: Y (5) BATES: Y

Vote Key: Y=Yes; N=No; A=Abstain; X=Excused; B.O.=Board Order

Documents accompanying this matter:

☒ Resolution(s) 13-081 - 13-082

☐ Ordinances(s)

☐ Contract(s)

Item No. 22

Special Notes:

Copies sent to:

CEO – Jay Wong

8/22/13



I certify that the foregoing is a true and correct copy of the Minute Order adopted by the Board of Supervisors, Orange County, State of California.
Susan Novak, Clerk of the Board

By: 
Deputy



Modification Memo

August 19, 2013

To: Susan Novak, Clerk of the Board of Supervisors
From: Michael B. Giancola, County Executive Officer *[Signature]*
Subject: Revision to Legal Entity Taking Action for Item #22 on the 8/20/13 Board Meeting.

2013 AUG 19 AM 9:57
CLERK OF THE BOARD
OF SUPERVISORS
COUNTY OF ORANGE
RECEIVED

Explanation: Legal Entity Taking Action

The Legal Entity Currently Reads: Board of Supervisors and Orange County Development Agency

The Revised Legal Entity should read: Board of Supervisors and Successor Agency to the Orange County Development Agency

cc: Members, Board of Supervisors
Nick Chrisos, County Counsel
Cymantha Atkinson, County Executive Office
Frank Kim, County Executive Office

2genda Item



AGENDA STAFF REPORT

ASR Control 13-001012

23FI

MEETING DATE: 08/20/13
LEGAL ENTITY TAKING ACTION: Board of Supervisors and Orange County Development Agency
BOARD OF SUPERVISORS DISTRICT(S): 2
SUBMITTING AGENCY/DEPARTMENT: County Executive Office (Approved)
DEPARTMENT CONTACT PERSON(S): Jay Wong 834-2009
 Donna Grubaugh 834-7218

2013 AUG -0

SUBJECT: Proposed Santa Ana Heights Specific Plan Amendment

CEO CONCUR
Concur

COUNTY COUNSEL REVIEW
N/A

CLERK OF THE BOARD
Discussion
3 Votes Board Majority

Budgeted: N/A**Current Year Cost:** N/A**Annual Cost:** N/A**Staffing Impact:** No**# of Positions:****Sole Source:** N/A**Current Fiscal Year Revenue:** N/A**Funding Source:** N/A

County Audit in last 3 years No
Year of Audit

Prior Board Action: N/A**RECOMMENDED ACTION(S):**

Adopt the attached resolutions concurring with the City of Newport Beach's proposed changes to the Santa Ana Heights Specific Plan.

SUMMARY:

Adoption of the resolutions would allow the City of Newport Beach to amend the Santa Ana Heights Specific Plan eliminating the requirement for property owners or tenants that keep three to six horses and/or ponies from obtaining an annual use permit.

BACKGROUND INFORMATION:

The City of Newport Beach (City) has submitted a request to amend the Santa Ana Heights Specific Plan eliminating the requirement to apply for an annual use permit as it relates to the keeping of three to six horses and/or ponies in the Residential Equestrian District (REQ).

Currently, the Santa Ana Heights Specific Plan requires a property owner or tenant in the REQ District to obtain an annual use permit if that person keeps three to six horses and/or ponies over the age of eight

months on a single property. The Specific Plan also contains several property maintenance standards (see Section G of Exhibit B) that apply to properties with three to six horses.

Since annexation, area residents have voiced concerns that the annual permit requirement is overly burdensome and unnecessary to ensure code compliance. It is the City's intent to remove the use permit requirement, but retain the property maintenance standards. The City believes that the existing limitation on the number of horses and/or ponies and the property maintenance standards can continue to be enforced without the issuance of an annual permit.

The September 10, 2002, Pre-Annexation Agreement (see Exhibit A) requires the City to obtain written consent from the County and Orange County Development Agency (now Successor Agency with the elimination of redevelopment) prior to proceeding with the proposed amendment of the Specific Plan (see Exhibit B).

On July 18, 2013, the County Oversight Board adopted a resolution concurring with the proposed changes Santa Ana Heights Specific Plan (see Exhibit C).

FINANCIAL IMPACT:

N/A

STAFFING IMPACT:

N/A

REVIEWING AGENCIES:

County Counsel and OC Community Resources

EXHIBIT(S):

- A. Pre-Annexation Agreement
- B. Proposed Santa Ana Heights Specific Plan Amendment
- C. Oversight Board Resolution

ATTACHMENT(S):

Resolutions Concurring with Amendment

RESOLUTION OF THE BOARD OF SUPERVISORS OF ORANGE COUNTY,
CALIFORNIA CONCURRING WITH PROPOSED CHANGES
TO THE SANTA ANA HEIGHTS SPECIFIC PLAN

August 20, 2013

WHEREAS, County of Orange (the "County") adopted the Santa Ana Heights Specific Plan (the "Specific Plan") to regulate land use and zoning within the Santa Ana Heights Project Area (the "Project Area"); and

WHEREAS, the City of Newport Beach (the "City"), the County and the Orange County Development Agency (the "Agency") entered into a pre-annexation agreement (the "Agreement") regarding certain portions of the Project Area and Specific Plan; and

WHEREAS, the Agreement requires County and Agency concurrence of any changes to the Specific Plan; and

WHEREAS, where the City has proposed certain changes to the Specific Plan;
and

WHEREAS, the County wishes to concur with the proposed changes.

NOW, THEREFORE, BE IT RESOLVED that this Board does hereby:

1. Concur with the proposed changes to the Santa Ana Heights Specific Plan.

The foregoing was passed and adopted by the following vote of the Orange County Board of Supervisors, on August 20, 2013, to wit:

AYES: Supervisors: JOHN M.W. MOORLACH, TODD SPITZER, JANET NGUYEN
PATRICIA BATES, SHAWN NELSON
NOES: Supervisor(s):
EXCUSED: Supervisor(s):
ABSTAINED: Supervisor(s):




CHAIRMAN

STATE OF CALIFORNIA)
)
COUNTY OF ORANGE)

I, SUSAN NOVAK, Clerk of the Board of Orange County, California, hereby certify that a copy of this document has been delivered to the Chairman of the Board and that the above and foregoing Resolution was duly and regularly adopted by the Orange County Board of Supervisors

IN WITNESS WHEREOF, I have hereto set my hand and seal.





SUSAN NOVAK
Clerk of the Board
County of Orange, State of California

Resolution No: 13-081
Agenda Date: 08/20/2013
Item No: 22



I certify that the foregoing is a true and correct copy of the Resolution adopted by the Board of Supervisors, Orange County, State of California

Susan Novak, Clerk of the Board of Supervisors

By: _____
Deputy

RESOLUTION OF THE BOARD OF DIRECTORS OF THE SUCCESSOR
AGENCY TO THE ORANGE COUNTY DEVELOPMENT AGENCY
CONCURRING WITH PROPOSED CHANGES TO THE SANTA ANA HEIGHTS
SPECIFIC PLAN

August 20, 2013

WHEREAS, County of Orange (the "County") adopted the Santa Ana Heights Specific Plan (the "Specific Plan") to regulate land use and zoning within the Santa Ana Heights Project Area (the "Project Area"); and

WHEREAS, the City of Newport Beach (the "City"), the County and the Orange County Development Agency (the "Agency") entered into a pre-annexation agreement (the "Agreement") regarding certain portions of the Project Area and Specific Plan; and

WHEREAS, the Agreement requires County and Agency concurrence of any changes to the Specific Plan; and

WHEREAS, where the City has proposed certain changes to the Specific Plan; and

WHEREAS, the Agency wishes to concur with the proposed changes; and

WHEREAS, California Health and Safety Code section 34180 requires Oversight Board approval of certain changes to redevelopment project areas before Successor Agency (the "Agency") approval; and

WHEREAS, Oversight Board approval occurred on July 18, 2013.

NOW, THEREFORE, BE IT RESOLVED that this Board does hereby:

1. Concur with the proposed changes to the Santa Ana Heights Specific Plan.

The foregoing was passed and adopted by the following vote of the Orange County Board of Supervisors, Acting as Successor Agency to the Orange County Development Agency, on August 20, 2013, to wit:

AYES:	Supervisors:	JOHN M.W. MOORLACH, TODD SPITZER, JANET NGUYEN PATRICIA BATES, SHAWN NELSON
NOES:	Supervisor(s):	
EXCUSED:	Supervisor(s):	
ABSTAINED:	Supervisor(s):	



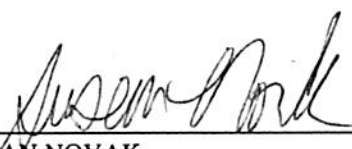
CHAIRMAN

STATE OF CALIFORNIA)
)
COUNTY OF ORANGE)

I, SUSAN NOVAK, Clerk of the Board of Orange County, California, hereby certify that a copy of this document has been delivered to the Chairman of the Board and that the above and foregoing Resolution was duly and regularly adopted by the Orange County Board of Supervisors, Acting as the Successor Agency to the Orange County Development Agency.

IN WITNESS WHEREOF, I have hereto set my hand and seal.





SUSAN NOVAK
Clerk of the Board
County of Orange, State of California

Resolution No: 13-082
Agenda Date: 08/20/2013
Item No: 22



I certify that the foregoing is a true and correct copy of the Resolution adopted by the Board of Supervisors, Acting as the Successor Agency to the Orange County Development Agency, Orange County, State of California

Susan Novak, Clerk of the Board of Supervisors

By: _____
Deputy

Attachment PC 5

Community Meeting BMP Presentation

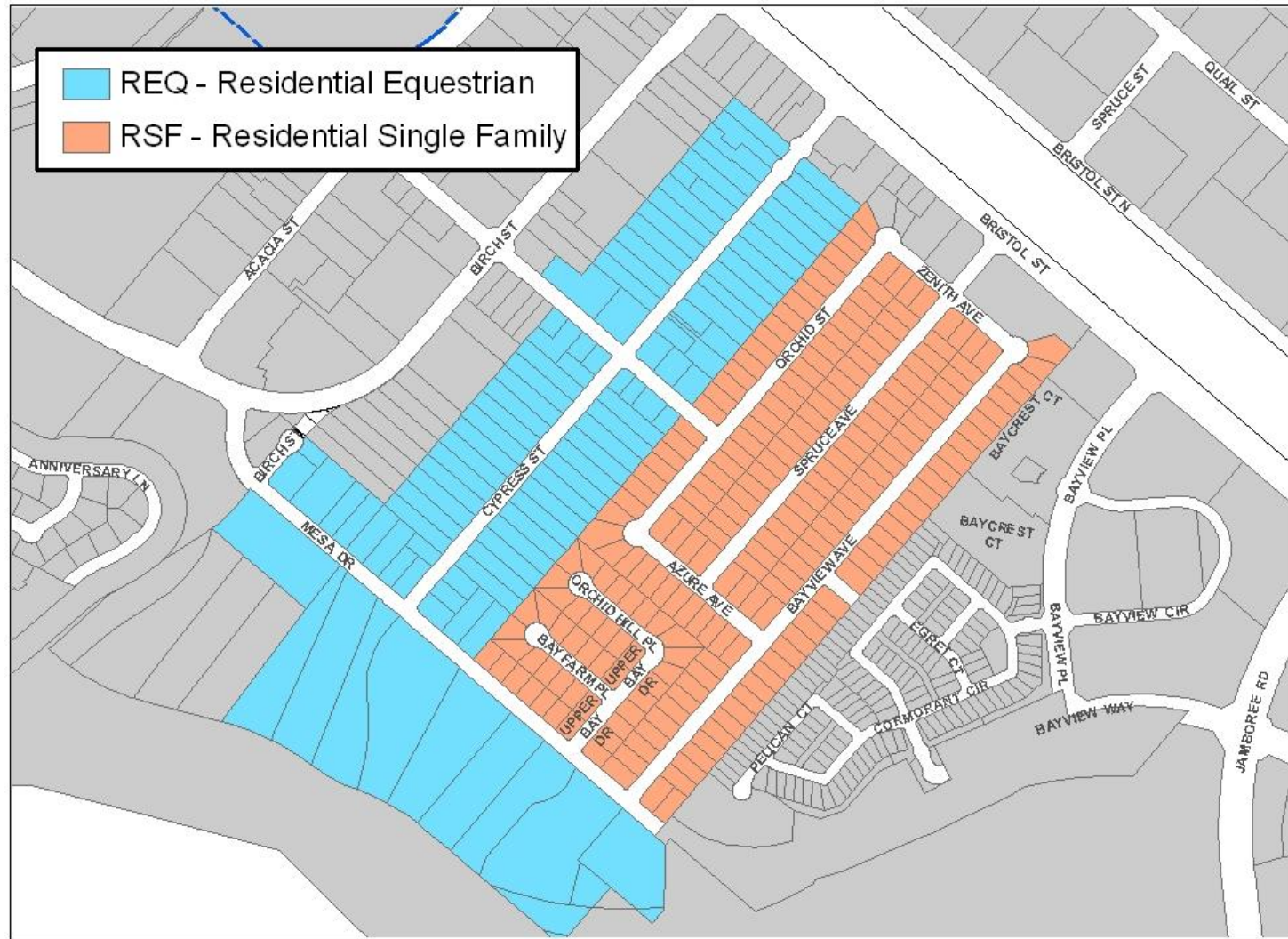


SANTA ANA HEIGHTS

Equestrian Community Meeting

Community Development Department

Land Use Designations



Best Management Practices



Unique Characteristics of a Unique Community- Santa Ana Heights

- By implementing BMP's, to the maximum extent practicable, in conjunction with the keeping of horses and ponies, we protect our environment and preserve good neighbor relationships.



Regulatory Background

- Clean Water Act → National Pollution Discharging Elimination System (NPDES)
- State Water Resources Control Board → Santa Ana Regional Water Quality Board
- Santa Ana Regional Water Quality Board → Newport Beach The Permittee



Joint Effort of the City & Equestrian Community

- By continuing the community's good neighbor practices already in place, we can work together to ensure mandatory state standards are met and we keep our water clean.



Working Together for Clean Water

- What the City can do....
 - ▣ Construction site BMP's
 - ▣ Dredging Projects
 - ▣ Urban Runoff Reduction Education
- What you can do...
 - ▣ Best Management Practices for Property Maintenance

Property Maintenance

- ❑ Stalls, corrals, and wash areas should be cleaned on a regular basis.
- ❑ Manure should be removed on a daily basis to a proper weatherproof waste container.



Property Maintenance

- Store waste containers on an impervious surface (either concrete pad or asphalt)
- During rains store waste container under cover to prevent leaching or runoff of pollutants.



Property Maintenance

- Separate waste container areas with buffer strips of vegetation or berms to filter sediments and absorb nutrients in runoff and prevent from entering into storm drain systems via the street gutter.



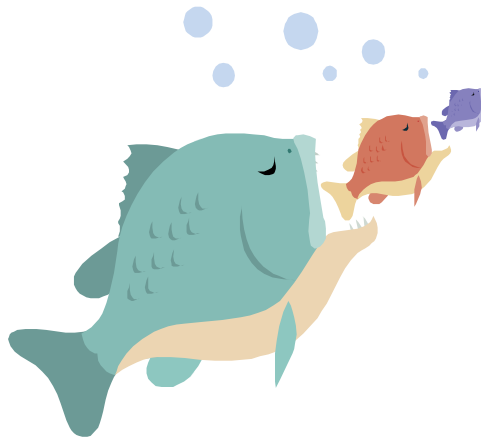
Property Maintenance

- ❑ Chemicals: Follow directions for all chemical applications and dispose of unused chemicals at a household hazardous waste facility.
- ❑ Call OC Waste and Recycling at (714) 834-6752 for more information. Nearest locations are Huntington Beach and Irvine.
- ❑ Refuse: Collect and dispose of trash and debris.



Grooming

- Use less-toxic alternatives for grooming. Even biodegradable products can be harmful to marine life and the environment.
- Follow instructions on the products and clean up spills.



Grooming

- When washing horses, either allow washwater to seep into the ground or be routed to the sanitary sewer. Do not let washwater enter the storm drain.
- Conserve water by using a spray nozzle with an automatic shut-off. Turn off the water when not in use.



Dust Control

- Implement a program for continuous dust control.
- Light water, chemical products, or organic products may be used:
 - ▣ Dusty conditions within an arena can contribute to respiratory problems in livestock, horses and people.
 - ▣ Basic Cal EPA requirements include light watering or use of hygroscopic materials.
 - ArenaClear
 - ArenaKleen
 - ArenaPro



A little goes a long way...

- The additional benefits of implementing Best Management Practices on properties with horses or ponies include: a healthier horse environment, better conditions, and enhancement to the overall Santa Ana Heights community.



Questions?



Community Development Department

Santa Ana Heights REQ Amendment



Planning Commission
Public Hearing
October 3, 2013

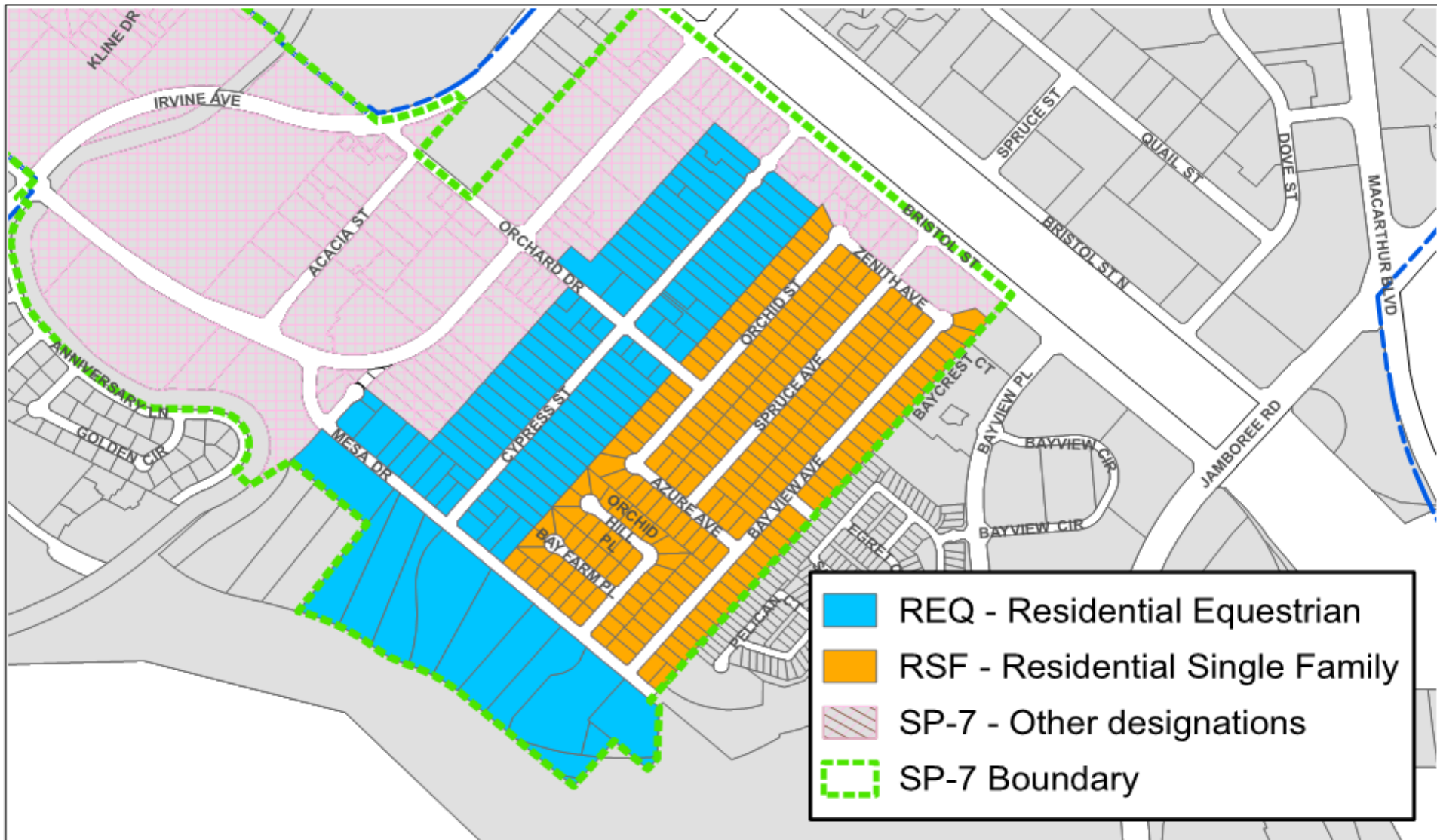


Background



- Annexation
 - East and West Santa Ana Heights annexed in 2003 and 2006, respectively
 - Pre-annexation agreement
 - Subject to Santa Ana Heights Specific Plan
 - Annual use permit carried over, but not implemented
- Council Direction
 - Remove requirement for annual use permit

Land Use Designations



- REQ - Residential Equestrian
- RSF - Residential Single Family
- SP-7 - Other designations
- SP-7 Boundary

Standards



- Manure management program
- Dust control program
- Proper food storage
- Combustible material storage
- Animal care and control
- Setbacks
- NBMC Chapter 14.36 (Water Quality)

Recommendation

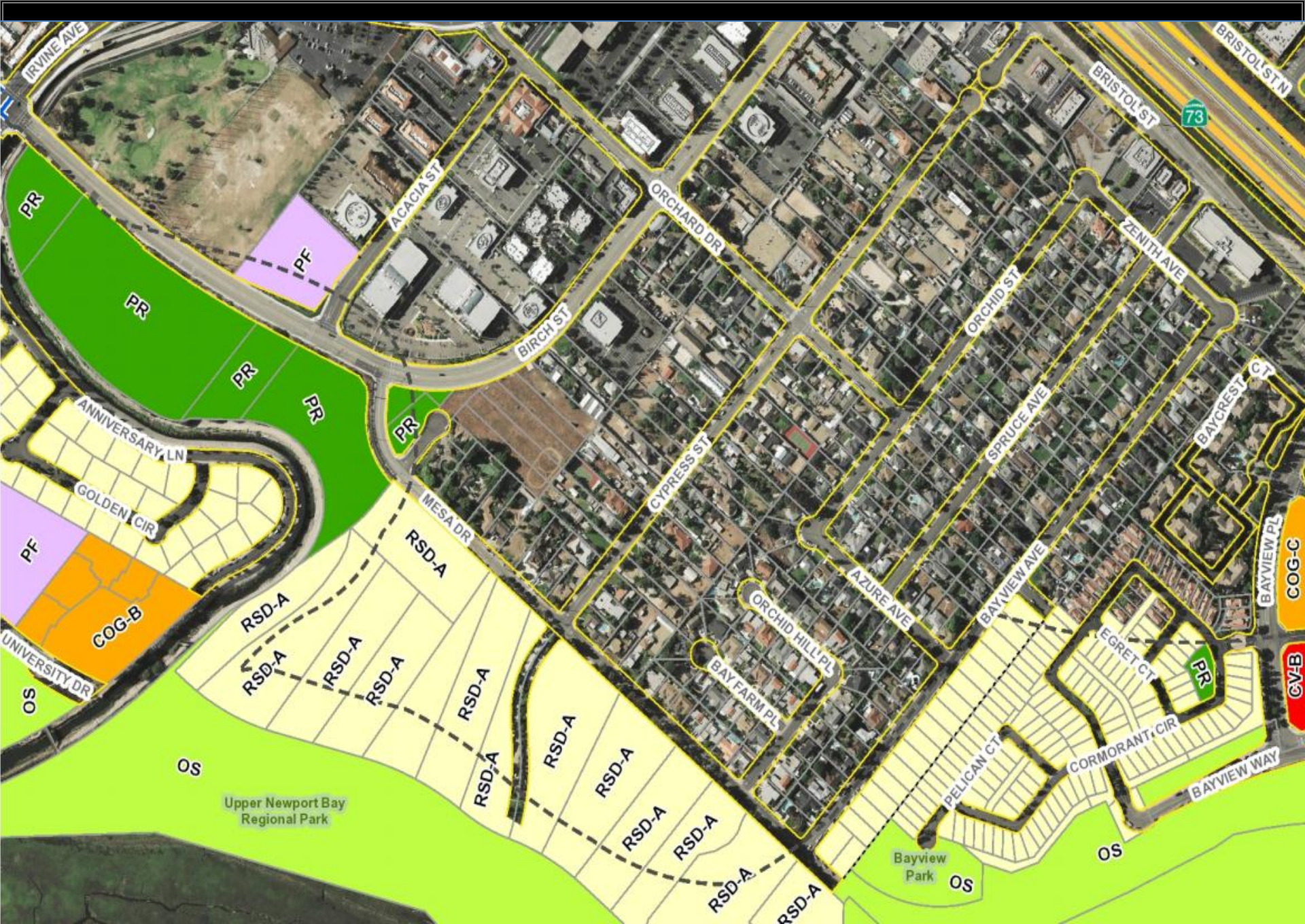


- Conduct a public hearing
- Adopt Resolution No. ____ (Attachment PC 1) recommending City Council approval of Code Amendment No. CA2013-005



For more information contact:

Benjamin M. Zdeba
949-644-3253
bzdeba@newportbeachca.gov
www.newportbeachca.gov



Horses and Setbacks



Size of Building Site (sq. ft.)

Less than 10,000

10,000 to 15,000

Greater than 15,000

Maximum Number Permitted

1

2

3 to 6 with use permit*

* Use permits shall be processed in accordance with subsection (G) of this section.

	From Ultimate Street Right-of-Way Line		From Property Line Abutting RSF or BP Districts		From Property Line Abutting REQ District	
	Front	Side	Front	Side	Front	Side
All structures housing animals (e.g. corrals, pens, stalls, cages, doghouses)	50	20	25	25	5*	5*
Exercise areas	25	10	0	0	0	0
	*Required for covered portions of structures only					